



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,273	10/17/2003	Kimmo Mylly	915-005.074	3787

4955 7590 03/09/2007
WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

LEE, CHUN KUAN

ART UNIT	PAPER NUMBER
----------	--------------

2181

MAIL DATE	DELIVERY MODE
-----------	---------------

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/688,273	MYLLY ET AL.	
	Examiner	Art Unit	
	Chun-Kuan (Mike) Lee	2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see Continuation Sheet below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Applicant's arguments filed 02/22/2007 have been fully considered but they are not persuasive.

In responding to applicant's argument regarding the independent claim 1 rejected under 35 U.S.C. 103(a) by the combined references of Oh-Yang and Khouli that Khouli does not contain any indication that a peripheral such as the LAN controller was ever in a dormant/sleep mode, as stated on page 3, 1st paragraph. Applicant's arguments have fully been considered, but are not found to be persuasive.

Please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

It appears that the applicant is arguing that the combination of Oh-Yang and Khouli does not teach the claimed limitation "card comprises at least one dormant mode and a normal mode." Please note, from the preceding final office action, that it is Oh-Yang that teaches the above claimed limitation (Oh-Yang, col. 3, ll. 54-59).

It appears that the applicant is arguing that Oh-Yang and Khouli are nonanalogous art, as stated on page 3, 3rd paragraph. Applicant's arguments have fully been considered, but are not found to be persuasive.

Oh-Yang's teaches a system including a computer and a PC card wherein the PC card is utilized for connecting to a network and wherein the system has a plurality mode of operation (e.g. the PC card having the normal state and sleep state) (Oh-Yang, col. 1, ll. 13-20 and col. 3, ll. 54-59) and Khouli teaches a system including a computer and a peripheral device (e.g. LAN controller), wherein the peripheral device is utilized for connection to a network (e.g. local area network (LAN)) and wherein the system has a plurality of mode of operation (e.g. the LAN controller having active mode and idle/non-active mode) (Khouli, Fig. 2 and col. 6, ll. 1-14).

In responding to applicant's argument regarding the independent claim 1 rejected under 35 U.S.C. 103(a) by the combined references of Oh-Yang and Khouli that Khouli does not mention the LAN controller has at least one dormant mode and a normal mode, therefore, Khouli does not explicitly teach a mode change in the LAN controller that is controller by a command transmitted from the computer, as stated on page 3, last paragraph to page 4, 2nd paragraph. Applicant's arguments have fully been considered, but are not found to be persuasive.

Please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

It appears that the applicant is arguing that the combination of Oh-Yang and Khouli does not teach the claimed limitation "card comprises at least one dormant mode and a normal mode" and "a command for setting the normal is transmitted to the card to change the mode of the card from said at least one dormant mode to the normal mode." Please note, as stated in the preceding final office action, that both above claimed limitations are rejected by Oh-Yang; more specifically, Oh-Yang teaches the card comprises at least one dormant mode (e.g. sleep state) and a normal mode (e.g. normal state) (Oh-Yang, col. 3, ll. 54-59); and a command setting the normal mode is transmitted to the card to change the mode of the card from said at least one dormant mode to the normal mode (Oh-Yang, col. 2, ll. 26-30 and col. 5, l. 66 to col. 6, l. 3).

As applicant appears to apply the above arguments for the rejection of independent 1 towards the rejection of independent claims 7, 13, 16, 17, and 19. The examiner also applies the responses as presented in detail above toward the independent claims 7, 13, 16, 17, and 19.

In responding to all of applicant's arguments, the examiner will maintain his position and the current rejection of record.



DONALD SPARKS
SUPERVISORY PATENT EXAMINER